

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Douglas L. Rayes

Date: February 7, 2023

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

Assistant U.S. Attorney: Kevin Rapp and Coleen Schoch

Attorney for Defendant: Stephen Dichter and Justin Vanderveer, Retained

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

JURY TRIAL (Day 4):

8:57 a.m. Reconvene. Parties present. Jury not present. Discussion held regarding the anticipated witness schedule. Additional discussion held regarding redaction objections to the deposition of Defendant in relation to the testimony of Larry Cook. Proposed deposition testimony jury instruction reviewed and finalized.

9:14 a.m. Jury present. Wendi Yaeger sworn and examined on direct examination. Exhibit 517 (pages 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 017, 018, 019, 020, 021, 022, 023, 025, 026, 028, 032, 033, 034, 035, 036, 037, 038, 039, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, and 053) admitted.

10:30 a.m. Recess.

10:44 a.m. Reconvene. Parties present. Jury not present. Objections to Defendant's deposition redactions are ruled on as stated on the record.

10:47 a.m. Direct examination of Wendi Yaeger continues. Exhibit 517 (pages 055, 056, 057, 058, 060, 062, 065, 066, and 067) admitted.

10:59 a.m. Cross examination of Wendi Yaeger.

11:40 a.m. Redirect of Wendi Yaeger.

11:46 a.m. Larry Cook sworn and examined on direct examination.

12:09 p.m. Recess.

1:17 p.m. Reconvene. Parties present. Jury present. Deposition testimony instruction read to the Jury. Direct examination of Larry Cook continues, with portions of Defendant's deposition (Exhibit 211) read into the record. Exhibits 712, 714, 739, 715, 716, and 718 admitted.

2:43 p.m. Recess.

3:03 p.m. Reconvene. Parties present. Jury present. Direct examination of Larry Cook continues. Exhibits 719, 724, 726, 727, 717, 729, 730, 723, 733, 735, 738, 737, 713, and 731 admitted.

4:30 p.m. Jury excused. Court remains in session. The Court directs the parties to confer regarding the schedule of witnesses. Discussion held regarding pending motions. The Government's Motion to Preclude Defendant's Advise of Counsel Defense (Doc. 578) is GRANTED.

4:38 p.m. Court is in recess until 9:00 a.m. on February 8, 2023.

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Court Reporter: Jennifer Pancratz and Elva Cruz-Lauer
Deputy Clerk: Robert Vasquez

JT: 5 hrs 59 min
Start: 8:57 AM
Stop: 4:38 PM